




FREDERICK COUNTY GOVERNMENT

Jessica Fitzwater
County Executive

DIVISION OF PLANNING & PERMITTING
Department of Development Review & Planning

Deborah Carpenter, AICP, Division Director
Michael L. Wilkins, Director

To: Frederick County Planning Commission

From: Michael Wilkins, Director, Department of Development Review and Planning 

Date: October 26, 2023

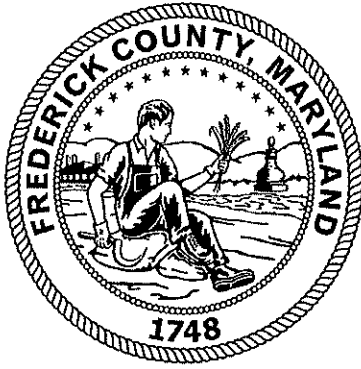
Subject: Council Bill #23-20: Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to create a new use within the Agricultural District to allow limited commercial vehicle parking and material and equipment storage associated with a landscape contractor business.

Attached, please find the proposed Bill and Staff report for the Planning Commission's review and recommendation in accordance with 1-19-3.100.3(A) of the Zoning Ordinance.

Thank you for your attention to this matter.

Attachments:

Proposed Bill
Staff Report



Bill No. 23-20
Concerning: Limited Landscape Contractor
Parking and Storage
Introduced October 3, 2023
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: January 1, 2024
Frederick County Code, Chapter 1-19
Section(s) 5, 8, and 11

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Steve McKay

AN ACT to: Create a new use within the Agricultural District to allow limited commercial vehicle parking and material and equipment storage associated with a landscape contractor business.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, 1-19 Section(s) 5, 8, and 11

Other: _____

Boldface
Underlining
[Single boldface brackets]
* * *

Heading or defined term.
Added to existing law.
Deleted from existing law.
Existing law unaffected by bill.

1 Bill No. 23-20

2 The County Council of Frederick County, Maryland, finds it necessary and
3 appropriate to amend Chapter 1-19 of the Frederick County Code (Zoning), sections 5, 8,
4 and 11 to provide a new use which allows limited commercial vehicle parking and material
5 and equipment storage associated with a landscape contractor business in the Agricultural
6 District.

7 NOW, THEREFORE, BE IT ENACTED, BY THE COUNTY COUNCIL OF
8 FREDERICK COUNTY, MARYLAND that the Frederick County Code be, and it is
9 hereby, amended as shown on the attached Exhibit 1.

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Brad W. Young, President
14 County Council of Frederick County,
15 Maryland
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§ 1-19-8.442. LIMITED LANDSCAPE CONTRACTOR PARKING AND STORAGE IN THE A DISTRICT.

The following provisions apply to limited landscape contractor vehicle parking and material and equipment storage in the agricultural zoning district:

- (A) The subject property must have a minimum lot area of 80,000 square feet.
- (B) Setback and height requirements are the same as natural resource uses in the A District.
- (C) A combined total of no more than 5,000 square feet of accessory structures is permitted.
- (D) Total impervious surface area, excluding driveways, for parking and storage of equipment exterior to any structures is limited to 25,000 square feet.
- (E) All equipment and materials must be screened from adjacent properties and public roads with plantings of evergreens, at least 5 feet in height, or a fence of equal height, or demonstrate the extent that existing landscaping, hedgerows/tree cover or other natural features that are located on the subject property provide similarly effective screening. Such landscaping and plantings shall emphasize species that are native to Frederick County.
- (F) Parking under this section is limited to no more than 10 licensed commercial vehicles that are used in the furtherance of a commercial enterprise owned or controlled by the owner of the subject property.
- (G) The maximum number of on-site employees is 5.
- (H) Parking and equipment storage may occur in the setback area but shall not be closer to the property line or right-of-way line than one-half the normally required setback, provided that the screen required by subsection E is composed of fencing with a minimum height of 6 feet, is visually opaque in construction, is in combination with landscaping, and is located outside of the right-of-way.
- (I) Retail activities, other than those allowed under § 1-19-8.240, are not allowed.
- (J) The subject property must have frontage and access to a paved public road with a minimum pavement width of 16 feet.

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

**** - indicates existing law unaffected by bill.*

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(K) The proposed use shall comply with § 1-6-50 (Wellhead Protection Ordinance) prior to site plan approval.

(L) This use is not allowed on properties where a residential dwelling unit on an adjacent property is within 150' of the property line of the proposed use.

§ 1-19-5.310. USE TABLE

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Commercial Business and Personal Services

Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<u>Limited Landscape Contractor Parking & Storage</u>		<u>PS</u>												

§ 1-19-11.100. DEFINITIONS

...

LANDSCAPE CONTRACTOR. A business principally engaged in the designing, installing, planting or maintaining of yards, gardens or other grounds offsite to include the following: landscape installation, care and maintenance services; lawn care services (i.e., fertilizing, mowing, seeding, sod laying, spraying); plant, shrub and tree services (i.e., bracing, planting, pruning, removal, spraying, trimming); seasonal property maintenance services (i.e., snow plowing in winter, landscaping during other seasons).

...

LIMITED LANDSCAPE CONTRACTOR PARKING AND STORAGE. A site used solely for the parking of licensed commercial vehicles and storage of material and operational equipment owned by and used in support of a ***LANDSCAPE CONTRACTOR*** business.

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.

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Bill No. 23-20



FREDERICK COUNTY GOVERNMENT

COUNTY COUNCIL

To: County Council

From: Council Member Steve McKay

Date: September 26 2023

Subject: Limited Landscape Contractor Parking and Storage in the A District

Issue:

Should the Frederick County Council define a new use in the Zoning Ordinance which allows limited commercial vehicle parking and equipment storage associated with a landscape contractor business in the Agricultural District?

Background:

The use category of “Limited Landscape Contractor in the A District” allows for small businesses like landscapers, tree service, and other related businesses to operate in the agricultural district. Such businesses can also include retail operations. However, to qualify for this usage, the business must occupy a minimum of 5 acres of land and meet other criteria. When included with retail operations, this can be an intensive usage, generating additional traffic and noise to an otherwise rural area.

Imposing the 5-acre minimum creates certain barriers to entry for small, entry-level businesses. Land is expensive and sometimes not available. In some cases, this size lot has nothing to do with needs of the business, and is imposed instead, to provide buffering space between the use and surrounding residents. This bill is intended to address this issue by creating a new, more constrained version of the “Limited Landscape Contractor” use category, more suitable for smaller, potentially cheaper, and more accessible parcels that are more conducive to new business start-ups.

What will the new bill do?

The bill creates a new use category in the Agricultural District called “Limited Landscape Contractor Parking and Storage in the A District.” The use is limited to parking licensed commercial vehicles and storage of operational equipment associated with a Landscape Contractor business. It is intended for businesses that simply need a base of operations for vehicle and equipment that then are used to provide services within the community.

In comparison to the existing “Limited Landscape Contractor” use category, this bill will add the following constraints:

- Disallows retail operations;



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- Less impervious surface and a smaller size limit on structures;
- Limits to the number of vehicles, and a smaller limit to on-site personnel;
- Provides stricter screening requirements; and
- Disallows the use within close proximity to parcels with a residential dwelling unit.

In recognition of these constraints, the bill allows for the use on smaller parcels – specifically 80,000 square feet (just under 2 acres), instead of 5 acres. The use also allows for limited parking within the setback area, as long as certain screening and distance criteria are met. Similar to the current “Limited Landscape Contractor” use, this use will be a principally permitted use, limited to the Agricultural District, and subject to site plan approval.

In support of this new use category description, the bill also updates the Use Table and provides a new definition in § 1-19-11.100 to clarify the distinction between the use and the Landscape Contractor business definition.